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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,382	10/26/2001	Srinivas Gutta	US010532	4632

7590

02/28/2003

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EXAMINER

LAI, ANNE VIET NGA

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,382

Applicant(s)

GUTTA ET AL.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Campman** [US.6,016,099].

Regarding claims 1 and 2, **Campman** discloses a method for adjusting timer control alarm signals comprising:

tracking behavior of a person after activation of a timer control alarm;

determining whether the person is motionless within a first predetermined time period (col.7, l.5, and claims 3-6); and

if motionless, gradually increasing the alarm signals;

determining whether the person is motionless within a second predetermined time period;and

if motionless, gradually increasing the alarm signals.

Regarding claim 8, **Campman** discloses the behavior of the person is tracked with a sensor.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Campman** in view of **Christiansen** [US. 5,815,077].

Regarding claim 3, **Campman** does not disclose the claimed gradually decreasing alarm signal when a person is not motionless. **Christiansen** teaches an electronic collar for training animal that uses a motion sensor to trigger a decreasing sound when the animal deviates from a desired position (claim 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply **Christiansen** teaching to **Campman** timer alarm to trigger a decreasing sound when a motionless person is becoming not motionless (in motion).

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Campman** in view of **Lindauer** [US. 5,714,847].

Regarding claims 4 and 5, **Campman** does not disclose the claimed increasing or decreasing power supply to a plurality of electronic devices coupled to the alarm clock. **Lindauer** teaches the uses of a power regulator receiving inputs from a variety

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of sensors to increase or decrease power to variety of appliances coupled thereto (col.3, l.65 and col.4, l.5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use **Lindauer** power regulator in **Campman** clock alarm to gradually increase or decrease the electric power supplied to a plurality of electronic devices according to the detected behavior of a person motionless or in motion.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Campman** in view of **Thorgersen** [US.5,524,101].

Regarding claim 6, **Campman** does not disclose the claimed deactivating the alarm clock if the person is not motionless. **Thorgersen** teaches a motion controlled clock with alarm and flashlight, wherein any movement in the field of view of the motion sensor deactivates the alarm for a preselected time interval (abstract and claim).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement **Thorgersen** teaching in **Campman** timer control alarm to deactivate the alarm if motion is detected (not motionless).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Campman** in view of **Liang** [US.5,570,698].

Regarding claim 7, **Campman** does not disclose the claimed tracking behavior of a person with cameras. **Liang** teaches the use of a camera to track the behavior of a person (col. 4, l. 46)

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use **Liang** camera in **Campman** timer control alarm to detect behavior of a person.

8. Claims 9, 14, 15, 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Delicia** [US.6,081,949] in view of **Curry** [US.3,922,665].

Regarding claims 9 and 15, **Delicia** discloses a pillow with incorporated alarm clock and sensors to assist awaking a person at a setting time. **Delicia** does not disclose the claimed determining the motionless of a person in more than one time period. **Curry** teaches a method for analyzing response and awaking a person by successive stimuli at plural time intervals, each stimulus is produced with a gradually increasing intensity.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply the method taught by **Curry** to **Delicia** alarm clock to adjust the wake-up signals.

Regarding claims 14 and 21, **Curry** uses tactile, auditory and visual stimuli (col.2, l. 39).

Regarding claim 17, **Delicia** clock alarm has a means for setting alarm time.

Regarding claim 18, **Delicia** and **Curry** clock alarm operates by power from diverse supply sources.

Regarding claim 20, **Delicia** clock alarm comprises plural sensors.

9. Claim10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Delicia** and **Curry** in view of **Christiansen** [US. 5,815,077].

Regarding claim10, **Delicia** and **Curry** do not disclose the claimed gradually decreasing alarm signal when a person is not motionless. **Christiansen** teaches an electronic collar for training animal that uses a motion sensor to trigger a decreasing sound when the animal deviates from a desired position (claim 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply **Christiansen** teaching to **Delicia** and **Curry** clock alarm to trigger a decreasing sound when a motionless person is becoming not motionless (in motion).

10. Claims 11, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Delicia** and **Curry** in view of **Lindauer** [US. 5,714,847].

Regarding claims 11, 12 and 16 **Delicia** and **Curry** do not disclose the claimed increasing or decreasing power supply to a plurality of electronic devices coupled to the alarm clock. **Lindauer** teaches the uses of a power regulator receiving inputs from a variety of sensors to increase or decrease power to variety of appliances coupled thereto (col.3, l.65 and col.4, l.5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use **Lindauer** power regulator in **Delicia** and **Curry** clock alarm to gradually increase or decrease the electric power supplied to a plurality of

electronic devices according to the detected behavior of a person motionless or in motion.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Delicia** and **Curry** in view of **Thorgersen** [US.5,524,101].

Regarding claim 13, **Delicia** and **Curry** do not disclose the claimed deactivating the alarm clock if the person is not motionless. **Thorgersen** teaches a motion controlled clock with alarm and flashlight, wherein any movement in the field of view of the motion sensor deactivates the alarm for a preselected time interval (abstract and claim). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement **Thorgersen** teaching in **Delicia** and **Curry** alarm clock to deactivate the alarm if motion is detected (not motionless).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Delicia** and **Curry** in view of **Liang** [US.5,570,698].

Regarding claim 19, **Delicia** and **Curry** do not disclose the claimed tracking behavior of a person with cameras. **Liang** teaches the use of a camera to track the behavior of a person (col. 4, l. 46)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use **Liang** camera in **Delicia** and **Curry** alarm clock to detect behavior of a person.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baylor discloses a clock actuated awakening device. [US. 3,727,395]

Gormley discloses an electronic clock and calendar apparatus with audio message recording and playback. [US. 5,708,627]

Schettino discloses a pillow alarm device. [US. 6,236,621]

Jordan discloses a multi station smoke detector. [US. 5,883,577]

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 703-305-7925. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4800.

A.V. Lai *AVL*
February 21, 2003

[Signature]
DANIEL J. WU
Primary Examiner

02/24/03